IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CAA/1106 of 2006
WITH
CAA/1144 OF 2006
in
A.O. NO 515 OF 2006

BISHOP DR. DINESH K. AGARWAL ... Applicant
vs.
METHODIST CHURCH IN INDIA AND ORS ... ... Respondents

Mr. V. A. Gangal with Mr. K.R. Belosey for applicant
Mr. Vashi i/b. M/s. M. P. Vashi & Associates for respondent no.1.

CORAM: D. G. KARNIK **J.**

DATE: December 6, 2006

P.C.:

1. These civil applications are taken out in an appeal against the order dated 30th June 2006 passed by the City Civil Court , Mumbai, in Motion No. 1466 of 2006 in short cause suit no. 1578 of 2006.

2. The applicant was elected as a Bishop by the General conference of the Mehodist Church in India. By a resolution dated 29th March 2006 the Executive Council removed the applicant as a Bishop. The applicant therefore filed a suit

bearing short cause suit no. 1578 of 2006 for an injunction restraining the respondents from preventing him acting as a Bishop. In the suit the applicant took out a motion for interim injunction restraining the opponents from preventing him from acting as a Bishop. By the order dated 30th June 2006 the City Civil Court allowed the motion that restrained the opponents by an order of injunction. That order is challenged by the opponents by filing AO. No. 515 of 2006 in this appeal.

3. While admitting the appeal, by an order dated August 2, 2006 this court granted a partial stay to the order of injunction granted by the City Civil Court. This court held that the applicant would be entitled to continue day to day spiritual activities till the disposal of the appeal. However it granted stay to the other part of the order. That order of stay was passed after hearing the present applicant. The effect of the order of partial stay granted this court on August 2, 2006 is to permit the applicant only to continue to discharge the day to day spiritual activities till the disposal of the appeal. He is not allowed to exercise administrative authority as the Bishop. By the present civil applications the applicant is praying to direct the opponents to release amount for the purpose of travelling and official visits of the applicant for the official work and also for the payment of the salary. By the second civil application the applicant has prayed that the

opponents be directed to forthwith cancel the Bombay / Gujarat conferences to be held at Lonawala and Bharuch between 6th and 10th December 2006. In my view the partial order of stay granted by this court on August 2, 2006 after hearing the applicant does not permit him to do any administrative work. Therefore his request for payment of travelling expenses for doing the official work would amount to nothing but performing administrative work and not spiritual work. Holding of the conferences is also part of the administrative work which the respondents cannot be prevented from doing. In the circumstances there is no merit in the civil applications which are hereby dismissed.

Authenticated copy is allowed.

(D.G. KARNIK J.)